

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-002723

09/06/2012

JUDGE DAVID J. PALMER

CLERK OF THE COURT  
D. Benitez  
Deputy

IN RE THE MATTER OF  
AMY JO DAURIO

J VINCENT GONZALEZ

AND

STEVEN L DAURIO

PHILIP A SELOW

MINUTE ENTRY

Courtroom CCB – 602

4:41 p.m. This is the time set for a Return Hearing regarding Respondent Steven L. Daurio's "Verified Petition for Emergency Change of Custody Pending a New Family Assessment" filed August 13, 2012. Petitioner/Mother, Amy Jo Daurio, is present with counsel J. Vincent Gonzalez. Respondent/Father, Steven L. Daurio, is present with counsel, Philip A. Seplow.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel for Mother makes an oral motion to dismiss Respondent/Father's petition.

Discussion is held with the Court regarding the status of this matter.

**EVIDENTIARY HEARING SET**

**IT IS ORDERED** setting an Evidentiary Hearing on **January 28, 2013 at 3:00 p.m.** (2 hours allowed) in this Division at:

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Maricopa County Superior Court  
Central Court Building  
201 W. Jefferson  
Courtroom 602  
Phoenix, AZ 85003

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

**IT IS FURTHER ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and

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every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

**IT IS FURTHER ORDERED** that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** the parties shall deliver any exhibits and an exhibit inventory to the clerk of this division, and not place in the division mailbox, for marking **no later than five Court business days prior to the hearing**, not including weekends, holidays or the day of the proceeding. All exhibits presented shall have been exchanged between the parties. Duplicate exhibits shall not be presented. **Absent good cause, any exhibits not submitted at least five (5) business days prior to the hearing may not be accepted and/or marked.** The parties shall also provide the adverse party with a separate copy of all exhibits.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

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**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

**IT IS FURTHER ORDERED** affirming the Court's prior orders regarding co-parenting counseling.

**IT IS FURTHER ORDERED** denying counsel for Mother's oral motion to dismiss Father's petition.

4:54 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.